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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2338 OF 2015

IN

WRIT PETITION NO.7952 OF 2006

Hema Park Tower Co-operative Housing Society Ltd.	...Applicant
<u>In the matter between</u> Hema Park Tower Co-operative Housing Society Ltd.	...Petitioner
V/s. Minister for Co-operation, State of Maharashtra & Ors.	...Respondents

.....
Mr. T. Dalvi for the Applicant.
Mr. A. D. Kango, AGP, for Respondent Nos.1 to 3.
Mr. S. S. Kanetkar for Respondent No.4.
.....

CORAM : A. K. MENON, J.

DATE : 7TH OCTOBER, 2015.

P.C.:

The present Civil Application is taken out by the original petitioners seeking reliefs in terms of prayer clauses (a) and (b) which are reproduced below:-

“(a) This Civil Application be allowed, and pending the hearing and final disposal of this petition the respondent no.4 and its members are restrained by an order and injunction of this Court from parking their cars in front of the said gate no.1 and the stretch thereof leading to the

building of the petitioners and/or interfering in any manner whatsoever with the petitioner's entry to and exit from their building no.5.

(b) Pending the hearing and final disposal of this petition the implementation of the impugned orders marked Exhibit 'C' and 'D' to the petition be stayed.”

2] As far as prayer clause (a) is concerned, the learned counsel for the petitioner-applicant has, on instructions, stated that she is not pressing for the reliefs in terms of prayer clause (a). She has the instructions to seek the reliefs in terms of prayer clause (b). The petitioners are seeking stay of the orders impugned in the main Petition. It is not in dispute that interim reliefs were declined vide an order dated 5th February, 2007 whereby this Court recorded that the order of bifurcation of the society which the petitioner was relying upon dated 6th June, 2015 passed by the Divisional Joint Registrar has been set aside and the challenge to the said order in a Revision Application before the State Government has also been rejected. The petitioners were, therefore, refused interim reliefs.

3] In the present Civil Application, there are no grounds set out which lead me to believe that circumstances have since, changed in any manner. In fact the letter dated 20th July, 2015 referred to by the

applicant in paragraph 7 of this Civil Application appears to be a consequences of the order of bifurcation being set aside.

4] In view of the same, no ground is made out for granting any reliefs in terms of prayer clause(b). Accordingly, I pass the following order :-

- (i) The Civil Application must fail and the same is dismissed.
- (ii) The interim protection granted by order dated 17th August, 2015 now stands vacated.
- (iii) There will be no orders as to costs.

(A. K. MENON, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/Order.